

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HACHIM MONDESIR, ALAIN MONDESIR,
JASON ALCIDE and KEVIN CASTOR,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE OFFICER
CHRIS MADISON, TAX REG. NO. 935224,
POLICE OFFICER "JOHN" CUCHIERA, WHOSE
FIRST NAME AND BADGE NUMBER ARE
PRESENTLY UNKNOWN, and POLICE OFFICERS
"JOHN DOES 1-3", WHOSE NAMES AND BADGE
NUMBERS ARE PRESENTLY UNKNOWN,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

09-CV-3624 (BMC)

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WHEREAS, plaintiffs Hachim Mondesir, Alain Mondesir and Kevin Castor commenced this action by filing a complaint on or about August 20, 2009, alleging that defendants City of New York ("City") and Police Officer Chris Madison ("Madison") violated plaintiffs Hachim Mondesir, Alain Mondesir, and Kevin Castor's federal civil and state common law rights; and

WHEREAS, defendants City and Madison have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as to plaintiffs Hachim Mondesir, Alain Mondesir and Kevin Castor, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiffs the sum of Forty Five Thousand (\$45,000.00) Dollars to be distributed as follows: Fifteen Thousand (\$15,000.00) Dollars to plaintiff Hachim Mondesir, Fifteen Thousand (\$15,000.00) Dollars to plaintiff Alain Mondesir, and Fifteen Thousand (\$15,000.00) Dollars to plaintiff Kevin Castor, in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiffs agree to dismissal of all of their claims against defendants and to release defendants, any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged by plaintiffs arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.
3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.
4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations

or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: Brooklyn, New York

EDWARD FRIEDMAN, ESQ.
Attorney for Plaintiffs
26 Court Street, Suite 1903
Brooklyn, New York 11242

By:



EDWARD FRIEDMAN
Attorney for Plaintiffs

MICHAEL A. CARDOZO, ESQ.
Corporation Counsel of the
City of New York
Attorney for Defendants City and Madison
100 Church Street
New York, New York 10007
(212) 788-0906

By:



SHAWN D. FABIAN
Assistant Corporation Counsel

SO ORDERED:

U.S.D.J